

Description	County Planning Board April 14, 2009		
Date	04/14/2009	Location	County Planning Board
Time	Speaker	Note	
6:10:55 PM	President Kerry White	Call to Order. Members present: Kerry White, Marianne Jackson Amsden, C.B. Dormire, Julien Morice, Susan Kozub, Byron Anderson, Pat Davis, and Gail Richardson. Members absent: George Alberda, Mike McKenna, and Don Seifert. Staff present: Planners Sean O'Callaghan, Warren Vaughan, Tim Skop, Tom Rogers, and Recording Secretary Glenda Howze.	
6:11:01 PM	President Kerry White	Public Comment.	
6:11:11 PM		There was no public comment on matters not on the agenda.	
6:11:14 PM	President Kerry White	Approval of March 24, 2009 Minutes	
6:11:27 PM		The minutes stand approved as presented.	
6:11:29 PM	President Kerry White	Planning Department Update.	
6:11:32 PM	Planner Warren Vaughan	Explanation of the Four Corners Community Plan and district boundaries, the overlap with the Belgrade jurisdiction and the involvement of the County Planning Board with this area.	
6:14:31 PM		Questions and discussion regarding what the County Planning Board has seen thus far and why; and what the Board will see and make comment on in the future.	
6:19:13 PM	President Kerry White	Regular Agenda.	
6:19:16 PM		<u>a. Public Hearing and Decision on a Resolution Recommending that the Gallatin County Commission Amend the Jurisdictional Area of the Gallatin County Growth Policy to Exclude Lands within One Mile of the City of Three Forks, Montana.</u>	
6:19:29 PM	Planner Tim Skop	Presentation.	
6:25:01 PM		Board discussion and questions with staff.	

6:28:18 PM	Planner Tim Skop	Read a letter from Three Forks Mayor Gene Townsend requesting appointment of two County board members to the Three Forks Planning Board.
6:30:49 PM	Ralph Johnson, Planning Consultant for City of Three Forks	Further presentation and history of how this request came to be. Noted that property owners were notified by letter via certified mail and two public meetings were held with comment taken from the property owners. Many property owners were excluded from the boundary based on those meetings as they didn't want to be included. The one-mile jurisdictional area was adopted based on the Growth Policy that was adopted by the Three Forks Planning Board. It was going to be an urban node and controlled by the City of Three Forks or it would be controlled by the County; with the City's growth policy but not the City's zoning. So, the City Council met and decided that they wanted to make it a zoning district under their control. The County Commission has to appoint two county representatives to the Planning Board and then the City of Three Forks can have a zoning district out one mile. A Zoning Hearing will take place on the zoning that is already represented in the Growth Policy. Land owners will again be notified prior to the meeting in Three Forks on May 21, 2009.
6:35:36 PM	Marianne Jackson Amsden	Questioned the "donut" jurisdictional boundary and how the potential problem of taxation without representation, similar to the issue with the Bozeman Donut, would be addressed in this area.
6:36:07 PM	Ralph Johnson, Planning Consultant for City of Three Forks	The decision process in those circumstances in other towns, within the one-mile jurisdictional area, the town council has the zoning; subdivisions remain with the County Commission. Within the municipality a subdivision and zoning are with the town council; within the one-mile jurisdictional area, the zoning designation is the responsibility of the town council, recommended by the Planning Board which has County representation on it; a subdivision in that one-mile jurisdictional area is reviewed by the [City/County] Planning Board but forwarded to the County Commission [for approval]. That is a State regulation.
6:37:09 PM		Question and discussion regarding the one-mile jurisdictional boundary line (green) and the southwest corner where a point appears to exceed the one-mile limit.
6:38:08 PM	Ralph Johnson, Planning Consultant for City of Three Forks	Explanation of the one-mile area and how the point from the airport land in the southwest corner is different depending on where the mile is measured from. Technically the point in question is in, but based on the mapping strategy it is out of the boundary.
6:40:49 PM	Pat David	Questioned Old Town and whether it is an advantage for Three

		Forks to have it out or in?
6:41:03 PM	Ralph Johnson, Planning Consultant for City of Three Forks	If the County had adopted a rural zoning ordinance, then it might be to the advantage of those people to be a part of the City. At this point the people that spoke were vehemently opposed to be a part of Three Forks. They don't see themselves as a part of Three Forks, and don't want Three Forks to interfere. They see themselves as being directly related to the County. They don't want to be zoned and don't want to be told what to do. The City Council in Three Forks was fine with this. The sense of what is part of Three Forks, the growth of Three Forks, etc., is on the other side of the highway and does seem to be a world away.
6:42:31 PM		Questions and discussion regarding the boundary and if it could be simplified. The final map will not have the green "loopy" line, that is just to show the potential boundary. The final boundary will be the gold line that is along section boundaries where possible.
6:43:17 PM		Questions and discussion regarding various properties that are or aren't included in the boundary and whether those property owners commented on the proposed boundary.
6:44:14 PM	Byron Anderson	What type of situation does it create if we approve this and the [County] Commission approves and then they [the property owner of section 26] say they don't want to have their property split?
6:44:25 PM	Ralph Johnson, Planning Consultant for City of Three Forks	We'd come back and adjust it. If the Town Council says they want to adjust the boundary then they'd come back [to the County] and request an adjustment. Stated that he doesn't believe that the Planning Board is being premature in approving this. At any point in the future this might be adjusted. To a certain degree the aspiration for moving this on through had to do with the County's potential proposal for the rural zoning so that it could be clear. This reflects the Growth Policy which has been approved by the Town Council and the County Commissioners, which has previously gone through the public hearing process.
6:46:31 PM	Pat Davis	Asked how recently the public hearings on this matter were held (in Three Forks).
6:46:36 PM	Ralph Johnson, Planning Consultant for City of Three Forks	The first public hearing was in 2005. The next public hearing will be May 21st on the zoning within the jurisdictional area. The boundary was established and formally adopted in 2006. The City had the authority to adopt the boundary but didn't have the authority to adopt zoning because their planning board didn't have two members appointed by the County Commission.
6:47:27 PM	Byron Anderson	What are the potential conflicts to that land owner in Section 26 having a portion of their land governed and capable of being zoned by the City of Three Forks and a portion of it not? Even if the land is

		partially or wholly in the flood plain there still seems to be potential for concern by that landowner who has all that property.
6:48:06 PM	President Kerry White	Referenced the original jurisdiction of Bozeman and the donut in that area. There was no representation from those people within that donut on either the Planning Board or the City Commission. They couldn't vote for the City Commissioners that had control of that area. What this is doing, the "donut" is still under the control of the County and will be a 201 zoning district, adopted by Three Forks and the County and the representation within that - you can vote for your County Commissioners and have representatives sitting on the Planning Board of the City of Three Forks and those people will have a voice.
6:49:36 PM		Discussion about specific examples and how they might be handled within the jurisdictional area and whether parcels could or would be annexed or not.
6:51:11 PM	Public Comment	There was no public comment on this item.
6:51:20 PM		Board discussion.
6:51:25 PM	C.B. Dormire	Do we know what is the view of the County Commissioners with respect to this? We are being asked to remove something from the jurisdiction of the County Commissioners, which seems sensible, but do we have it in the record what the County's position is? Also, does something more need to be done by the City of Three Forks before the Planning Board is asked to consider this. I say that because while the resolution we have and all the things that were provided to consider, one of them that isn't there is whether or not this is a good idea. I think in recommending boundaries for the County's Growth Policy, we ought to be addressing whether or not it is a good idea. Seems to me that knowing what the County Commissioners think is part of knowing that.
6:53:33 PM	Susan Kozub	I would like to add a finding that allowing Three Forks to continue its neighborhood planning efforts is certainly in compliance with the Growth Policy and the desire to promote neighborhood planning.
6:53:54 PM	Byron Anderson	If the public hearings were in 2005 and the County Commission accepted the plan in 2006, that was a long time ago. It has just been in the last year to year and a half that the zoning issue on a County basis has come up and become a possibility for these people to either be governed by the County in a zoning capacity or the City in a zoning capacity. That is what I was concerned about. My reality is that maybe this is okay for us to approve, send it to the County Commission with the understanding that nothing is concrete and if they hold their City meetings in May and there is an uproar, then

		they will have to come back to us.
6:55:15 PM	Julien Morice	Reiterated Susan's point that if the Commission is trying to let communities be proactive in planning their own areas, this seems to be something that would be along those lines and should be encouraged. I do see some complications with it, but I don't know if there is a way around those at this point.
6:56:05 PM	Gail Richardson	I'd like to echo that as well. It is a good example of governmental cooperation and coordination regarding land use policy. The bottom line is that the Commission does want people to control their own destiny. It seems to me that in looking at the Growth Policy plan, the elements and projected trends from the Three Forks Growth Policy Plan on one-mile land use plan, knowing Three Forks, it seems perfectly rational to me how it is laid out. I think it is commendable that Three Forks is doing this and have no problems with it.
6:57:43 PM	C.B. Dormire	Whatever we do, at some point it seems that there should be something official from Three Forks indicating that they want the County to act on this. There is no one from Three Forks here. I'm not doubting the consultant, but I don't know that officially. It strikes me that there is something not quite dotted and crossed in this application at this point in time.
6:58:42 PM	Byron Anderson	I have to embrace that feeling. I'm sure you're [Ralph] here on behalf of the City, but I was expecting to see the Mayor.
6:59:07 PM	Ralph Johnson, Planning Consultant for City of Three Forks	The Three Forks City Council meeting is tonight and Gene Townsend asked me to represent him here. I'm sure Gene would be happy to enter a letter stating specifically that the Three Forks City Council has voted to request that the one-mile jurisdictional area be adopted and that the County's jurisdiction within that be pulled back.
6:59:47 PM	President Kerry White	Asked that Tim [Skop] enter into the record a copy of the letter requesting the two appointments to the Planning Board so that the Commission sees that.
7:00:01 PM	Susan Kozub	Three Forks is the "applicant" and Ralph is the representative for them, so I am completely comfortable with this.
7:00:13 PM	President Kerry	I agree, but I echo what Byron said that for the record we would like something that shows that Three Forks actually voted and supports this request.
7:00:41 PM	Pat Davis	I am concerned about the one-mile, Old Town, for some reason I have a feeling that they need to be in this.
7:00:59 PM	Julien Morice	I would agree with that. Are they part of the water and sewer or are they hooked up to the City's water and sewer?
7:01:08 PM	Ralph	No, they aren't part of the sewer and water and all I can say is that

	Johnson, Planning Consultant for City of Three Forks	they are adamantly opposed to being part of it. The public hearings revealed that and the City Council responded to the communities position.
7:01:34 PM	Byron Anderson	I can understand that comment and it would have been a similar situation if they had drew the line farther down in Willow Creek. It's across the Interstate, it is in its own little world. If they chose not to be in at this time, that is something that will be approached as time advances. I'm comfortable with their wishes.
7:02:08 PM	Marianne Jackson Amsden	I'd like to make a motion that this Planning Board adopt Resolution 2009-03 recommending adoption of the Gallatin County Growth Policy Jurisdictional Boundary as a revision of the Gallatin County Growth Policy to the Gallatin County Commission.
7:02:27 PM	Gail Richardson	Second.
7:02:34 PM		Board discussion.
7:02:37 PM	Marianne Jackson Amsden	I'd like to enter several findings: The staff report; a finding that the boundary from the center of the southwest corner of the airport does meet the farthest southeast corner of section three so that is legally part of the one-mile boundary from the City. I'd also like to note a finding that Ralph's testimony was that the final boundary that we're voting on tonight was at some point reviewed by the landowners that are within that who agreed to be in the Growth Policy and will find out soon if they want to be in that zoning boundary as well. This map does reflect the desires of the landowners. Those landowners that did not want to be included were not included. We reviewed the section of the Three Forks Growth Policy dealing with a one-mile land use plan and I'm satisfied that that plan is consistent with the growth policy that the county has as well with land use development patterns and protection of the right to farm and contiguous development and all those goals that we've been hearing all the time
7:04:27 PM	Gail Richardson	I'd like to also add the final determinations that the Planning Board would determine that the proposed Growth Policy jurisdictional boundary complies with the goals and policies of the Gallatin County Growth Policy as in staff finding number three; determines that the Growth Policy jurisdictional boundary amendment substantially complies with Section 9.2 of the Gallatin County Growth Policy regarding amendments (that was in staff finding number two); and then that the proposed Growth Policy jurisdictional boundary amendment meets the procedural requirements of sections 76-1-602 through 76-1-604 MCA regarding adoption of amendments to Growth Policies (staff finding number

		two); and as well that there really wasn't any public comment submitted to the board so we couldn't adequately address that.
7:06:10 PM	Marianne Jackson Amsden	I'd like to make a request of the Planning Department; revisions to the Growth Policy are a great big deal and we ought to make every effort to publicly address them. I know you followed the letter of the law as far as notice, but it should be on the web site until it is adopted as well.
7:07:08 PM		Vote: 6-1-1; Pat Davis opposed; C.B. Dormire abstained.
7:07:41 PM		This item is scheduled for approval by the Three Forks Planning Board on May 21st at the Methodist Church Annex.
7:09:22 PM		<u>b. Discussion of Report from Growth Policy Update Committee and Decision on a Recommendation to County Commission on Necessity of Updating the Growth Policy.</u>
7:09:37 PM	Planner Sean O'Callaghan	Introduction and initial presentation.
7:14:37 PM	Pat Davis	George Alberda, Don Seifert and I met with Planner Sean O'Callaghan. The subcommittee is asking that the Planning Board accept that the Growth Policy does need updating and recommend that the County Commission do the same and adopt the resolution of intent that is necessary to kick off the update of the Growth Policy. Passage of a resolution of intent by the Commission will allow the Planning Board's Growth Policy committee to flush out the details of the changes referenced above and bring them forth to public hearings before the Planning Board and County Commission.
7:15:44 PM	Gail Richardson	I'd like to recommend that the Planning Board endorse a Growth Policy update and get a resolution from the County Commission to kick off the process. [My motion is to] formally proceed with a resolution to update the 2003 Growth Policy.
7:16:44 PM	Gail Richardson	Amended motion: I move that the Planning Board accept the recommendations of the Growth Policy Update Committee of the Planning Board and ask the County Commission to do the same and adopt a resolution of intent necessary to kick off the update to the Growth Policy.
7:17:07 PM	C.B. Dormire	Second.
7:17:15 PM		Vote: Unanimous.
7:17:29 PM		<u>c. Planning Board Committee Reports.</u>
7:17:56 PM		Budget Committee
7:17:59 PM	Byron	No meeting has been scheduled yet so that we can have our intent of

	Anderson	what we'd like to see happen set before we receive the budget proposal. We plan to meet before we get this document, this year, and start the process.
7:18:36 PM		Neighborhood Planning/Community Outreach
7:18:43 PM	Susan Kozub	We have met twice mostly to discuss the Four Corners efforts. Two members of the Four Corners effort met with us at the last meeting to flush out the details of the proposed zoning.
7:19:42 PM	Planner Warren Vaughan	Churchill/Amsterdam: George Alberda lives out there and has come to the Rural Committee and some of the evening meetings. He's starting to get involved in that area.
7:20:08 PM		Subdivision Regulations/Transportation
7:20:18 PM	C.B. Dormire	We have begun meeting again on the draft amendments to sections 1, 9 and 11 of the subdivision regulations. The committee has been meeting with Chris and Randy as staff and we are making good progress, addressing substantive matters including policy considerations of the type that were raised in the subcommittee's report. That is moving along nicely.
7:21:27 PM		Growth Policy Implementation
7:21:29 PM	Gail Richardson	We did have our last meeting two weeks ago and at that meeting we decided as a committee to put off further committee meetings with the notice that the Commission was going to basically step back from the rural zoning component of the Growth Policy Implementation until such time as they think we should move forward.
7:22:26 PM		Infrastructure (Wastewater)
7:22:31 PM	C.B. Dormire	We meet regularly twice a month. We have had the [County] Administrator attend the meeting two weeks ago and also Commissioner Skinner attended that meeting. He made the announcement that he might oppose proceeding with the new engineering study at this time intending to spend money that had been budgeted for that in other ways. It was decided that Earl would have someone prepare in official or legal format a Request for Proposal reflecting the substance of what the committee had determined ought to be included in that study. I'm not sure where that stands at the moment. It is important to get that in shape so that we memorialize all of the work lest it be lost through any delay. The study for the Planning Board that Local Water Quality District is doing is proceeding. It is taking a lot longer than they thought it would, but they are doing a lot more than they thought they would as well. I feel optimistic that we will like what we get from that. The Committee has also moved into discussion of various provisions of

		<p>state law relevant to the work the committee is doing. The Committee's charge was to investigate all matters relevant to determining what if any recommendations that the Planning Board might want to make to the Commission eventually dealing with water and wastewater matters. We've gone through what we need to learn from engineers to do that and we're working with the Water Quality District to get the scientific data that we think is relevant to that and and we are beginning to look at the legal matters relating to that.</p>
7:26:14 PM		Gallatin Valley Interconnect
7:26:17 PM	Marianne Jackson Amsden	<p>We have wrapped up our Internet survey and had almost 900 respondents. We got ourselves on the news media as much as we could and doubled the initial responses. Some of the initial results show that people are interested in natural fines trails (as opposed to paved trails) and passive recreation rather than active recreation. There were 1% respondents from each zip code in the county, with Bozeman having the highest number. We did receive an \$8,000 grant for public outreach over the summer related to this plan. That was secured through Ada Montague's efforts. She's also investigating three other grants with the help of Larry Watson. We also had Dennis Hengel, Weed Department, come and talk to us at our last meeting about the problems he faces and the things he'd like to see in the policy regarding parks that are under County jurisdiction and how to get Home Owner's Associations to manage the weeds in their parks they own as well as how to ensure better management of weeds in parks that will be developed in subdivisions in the future. The survey results will be revealed in the near future. Our meetings are the first and third Tuesdays of each month at 6:00 PM in the second floor conference room.</p>
7:29:29 PM	Susan Kozub	<p>Questioned the Growth Policy Implementation Committee's determination to disband meeting at this time. It seems to me that shelving countywide zoning is only a part of the Growth Policy Implementation, perhaps the subcommittee should look at meeting again to talk about the parts that are still relevant to implementing the Growth Policy.</p>
7:29:53 PM	Gail Richardson	<p>A lot of the Growth Policy Implementation is already occurring, such as the neighborhood plans, the transportation plan, Interconnect, etc. The committee's purpose was really to look at the rural zoning component, that was the only part that was controversial. With that component out, off the table, it seemed that the members didn't feel we had a reason to continue at this time.</p>
7:31:00 PM	President Kerry	<p>Susan might have a good idea. There are a lot of things going on that are implementing the Growth Policy through the neighborhood plans</p>

	White	and things like that. Possibly the Growth Policy Implementation Committee could put together and accounting of all the things that are ongoing within the County that would show the public that after adoption of the Growth Policy we are implementing certain portions of that Growth Policy in different aspects throughout the County so the public can be made aware of all the different things that are going on
7:31:54 PM	Planner Sean O'Callaghan	The update to the Growth Policy will do a lot of that. If the GPIIP committee wants to provide us some input as far as what that update should say as far as actions the County has undertaken or is undertaking, that is a great idea. I agree with Susan that there are other things going on as part of GPIIP aside from just the rural zoning proposal. The article in the Belgrade News today was accurate in as far as the Commission does want to try and incorporate a lot of the concepts from the rural cluster development program as a policy document adopted under the Growth Policy. There may not be a need for the GPIIP committee to meet for awhile, but I would recommend that it remain as a standing committee.
7:33:09 PM	President Kerry White	It is important that the public know what is going on. I recommend that the Growth Policy Implementation keep track of what aspects are moving forward. I also encourage everyone to look at the Growth Policy and get your comments and recommendations, to Pat and others on the committee to look at. Those will then be brought forward to the entire Planning Board to discuss. A lot of that will be demographics and history, but there are some minor recommendations on changes to procedures and policy as well.
7:34:42 PM	C.B. Dormire	I attend the Local Water Quality District meetings. They are continuing with their outreach effort, looking at expanding their boundaries to include areas such as Big Sky. I did attend a Belgrade Planning Board meeting and stumbled upon a discussion on the overlap issue and the consideration that they are going through regarding their planning jurisdiction. There were a number of things said by Board members and the public and board members about this and their perception of what this Board view is on the matter. I just clarified that if the matter were brought to us and we were requested to express a view on an area that Belgrade thought to be in its jurisdiction, we would probably not act upon that until Belgrade Planning Board and possibly the Council had addressed the matter.
7:37:42 PM	Julien Morice	Susan and I met with some of the Four Corners Committee members and it was my understanding that they were in attendance at that meeting and they felt that the Planning Board comments were to the contrary, that we would be voting on this. They found the [County] Planning Board to be abrasive and there might be some misconceptions that we might be voting on that portion. I wasn't

		there, but those that we spoke to felt that it was more along the lines of the Planning Board voting on this section north of Hulbert and that could have raised concern that we were overstepping our bounds.
7:39:41 PM	C.B. Dormire	Did you hear that from Belgrade Planning Board people or Four Corners Zoning people? Four corners zoning
7:39:49 PM	Julien Morice	Four Corners Zoning people that were there to deal with the Belgrade Planning Board.
7:40:03 PM	Susan Kozub	At least one of the people we spoke with was at our last Planning Board meeting. There was definitely some confusion but since our meeting with the Four Corners Neighborhood people, I think everyone is clear that we [County Planning Board] will not be voting on the portion of this boundary and plan north of Hulbert.
7:41:08 PM		Other Business.
7:41:10 PM	C.B. Dormire	Commented on the memo from Earl Mathers dated April 9th.
7:43:39 PM		Discussion regarding the memo and the best way to address its contents among board members and the County Commissioners.
7:44:43 PM		It was agreed that this item would be placed on the agenda for the next board meeting to be discussed prior to the workshop with the County Commission.
7:46:16 PM	President Kerry White	Noted that because of the amount of time board members are spending on committee meetings, I'm hoping that we can proceed with the waste water study, work on neighborhood planning, Gallatin Interconnect work, etc., I'm going to consider going to a once a month meeting of the Planning Board unless there is something pressing that comes forward that is time sensitive such as a subdivision. I think it is adequate to reduce our meeting to once a month and free up some time given all the subcommittee meeting work
7:48:23 PM	Planner Tom Rogers	I heard what you said and I can speak for myself, that we will be bringing items coming forward to you for your review. I have four subdivisions that will be coming to you that are in various stages of review. Some will take little time, others will take more time. Thank you for being sensitive to statutory requirements. We are going into development review period and currently are receiving 15-20 applications a week or more substantive things. We will work with you on this.
7:50:03 PM	President Kerry White	We will try to work this out to try and not have too many large applications on one agenda. Earl is committed to working with me on this as well. We will just evaluate what is coming down the pike

		and coordinate the best we can.
7:52:09 PM		Discussion regarding the 20/20 plan meeting at the City of Bozeman. Ms. Kozub attended the meeting and gave a brief update of the key issues discussed.
7:54:53 PM	Pat Davis	The Board retreat is scheduled for April 30th. The first portion will be in the Community Room at 3:30 and then the Board will go to Pat's house at 5PM for a potluck and the remainder of the retreat discussion.
7:56:53 PM		Meeting adjourned.

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